



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/481,685	06/07/95	GALLOWAY	D PA-1239

WYATT GERBER BURKE & BADIE  
99 PARK AVENUE  
NEW YORK NY 10016

D3M1/0618

EXAMINER	
NOLD, C	
ART UNIT	PAPER NUMBER
1315	15

DATE MAILED

06/18/97

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 5-27-97 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

See Attached

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-21

However;

☒ Applicant's response has overcome the following rejection(s): See Attached

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_

See attached

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☒ Other 22 sheets 1449 enclosed.

X PTO 948 enclosed

X Attachment entitled

PTOL-305 (REV. 5-89)

Response to Arguments submitted after Final Rejection

CHARLES NOLD  
PRIMARY EXAMINER  
GROUP 1300

Best Available Copy

Art Unit: 1315

*Response to Arguments Submitted After Final Rejection*

per pgs 15  
made w/IDJ  
6/97  
(copy)

1. Applicant argues that the rejection on page 5, para. No. 11, of the final rejection, paper no. 9 was a new rejection and therefore the finality of the last office action was improper and should be withdrawn, because the rejection was not "necessitated by the amendments of the application by applicant". The rejection set forth in paper no. 9, para. No. 11 is hereby withdrawn. The rejection set forth in paper no. 9, paragraph no. 12 is withdrawn.
2. Applicant's declarations under 37 C.F.R. 1.131 overcome the rejections set forth in paper no. 9, paragraph no. 6 and 7.
3. Applicants arguments on page 10, first full paragraph overcome the rejection of paper no. 9, para. No. 14.
4. Applicant's amendment of paper no. 12 has not been entered because it contains new claim limitations that require further consideration and/or search. These are the molecular weight distribution of less than 2.5 and a  $I_{10}/I_2$  ration of about 7 to 12.
5. Applicants arguments regarding the rejection of paper no. 9, paragraph no. 8-9 and 13 are not persuasive because they are directed to non entered claim limitations..

**CRYSTAL MALL 1 FAX CENTER**

A facsimile center has been established in Crystal Mall 1, room 8D10. The hours of operation are Monday through Friday, 8:45 AM to 4.:45 PM. the telecopier number for accessing the facsimile machine is (703) 305-5436. This new location should be used in all instances when faxing any correspondence to Examiner Charles R. Nold, Art Unit 1315. The faxing of all papers must conform

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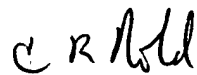
Page 3

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with the notice published in the Official Gazette, 1096 O.G. 30, November 15, 1989.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles R. Nold whose telephone number is (703) 308-4416.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

  
Charles R. Nold  
Primary Examiner  
Group 1300

crn  
June 17, 1997